

1 CHRIS R. OTTENWELLER (STATE BAR NO. 73649)
cottenweller@orrick.com
2 BAS DE BLANK (STATE BAR NO. 191487)
basdeblank@orrick.com
3 DENISE M. MINGRONE (STATE BAR NO. 135224)
dmingrone@orrick.com
4 JESSE CHENG (STATE BAR NO. 259909)
jcheng@orrick.com
5 ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
6 Menlo Park, California 94025
Telephone: (650) 614-7400
7 Facsimile: (650) 614-7401

8 Attorneys for Plaintiff
APPLE INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 APPLE INC., a California corporation,

15 Plaintiff,

16 v.

17 S3 GRAPHICS CO., LTD., a Cayman Islands
corporation, and S3 GRAPHICS, INC., a
18 Delaware corporation,

19 Defendants.

Case No. CV-11-00210 EJD

**STIPULATION AND ~~PROPOSED~~ ORDER RE STAY PENDING
REEXAMINATION**

1 WHEREAS, this is an action brought by plaintiff Apple Inc. (“Apple”) against defendants
2 S3 Graphics Co., Ltd. and S3 Graphics, Inc. (collectively, “S3G”) seeking a declaratory judgment
3 of non-infringement and invalidity of United States Patent Nos. 6,658,146 (the “‘146 Patent”);
4 6,683,978 (the “‘978 Patent”); 6,775,417 (the “‘417 Patent”); and 7,043,087 (the “‘087 Patent”)
5 (collectively, the “Asserted Patents”);

6 WHEREAS, S3G has denied that the Asserted Patents are invalid and not infringed and
7 asserted claims 2, 4, 8, 13, 16, 18, and 19 of the ‘146 Patent, claims 11, 14, and 16 of the ‘978
8 Patent, claims 1, 7, 8, 12, 13, 15, and 23 of the ‘417 Patent and claims 1, 6, and 7 of the ‘087
9 Patent (collectively, the “Asserted Claims”);

10 WHEREAS, the United States Patent and Trademark Office (the “Patent Office”) is
11 currently reexamining all of the Asserted Claims, has determined that new and non-cumulative
12 prior art raises substantial new questions as to the patentability of the Asserted Claims, and has
13 issued Office Actions rejecting the Asserted Claims as unpatentable in light of this new prior art;

14 WHEREAS, in light of the pending reexamination of the Asserted Claims, S3G has
15 moved this Court to stay the pending action; and,

16 WHEREAS, the parties agree the reexaminations are well advanced and that the interests
17 of justice are served by granting a stay because it would be most efficient to wait until the Patent
18 Office proceedings are completed and the Patent Office issues reexamination certificates for the
19 patents at issue, detailing what changes (if any) eventually result from its reexaminations;

20 THEREFORE, the parties hereby stipulate and request that the Court order as follows:

21 1. That this action be stayed until after a post-reexamination case management
22 conference, to be held no earlier than three months after the Patent Office completes any of the
23 pending reexaminations by issuing a Reexamination Certificate.

24 2. That the parties submit a joint status report within 30 days after the Patent Office
25 completes any of the pending reexaminations by issuing a reexamination certificate, such report
26 informing the Court of the status of all pending reexaminations and the parties’ positions on
27 whether the stay should be lifted.

28 3. That all present deadlines and court dates be continued until the stay is lifted.

1 This stipulation is without prejudice to either party seeking to lift or extend the stay if
2 circumstances warrant.

3 I, Bas de Blank, certify that I have obtained authorization from John Alison to affix his
4 signature to this stipulation on behalf of S3G.

5
6 Dated: August 25, 2011

7 ORRICK, HERRINGTON & SUTCLIFFE LLP FINNEGAN, HENDERSON, FARABOW,
8 GARRETT & DUNNER, L.L.P.

9 By: /s/ Bas de Blank

10 Bas de Blank

By: /s/ John Alison

11 John Alison

12 Attorneys for Plaintiff
13 APPLE INC.

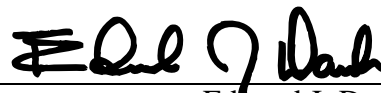
Attorneys for Defendants
S3 GRAPHICS CO., LTD.,
and S3 GRAPHICS, INC.

14
15 ~~PROPOSED~~ ORDER

16 Good cause showing, this action shall be stayed pursuant to 35 U.S.C. § 305 and the
17 foregoing stipulation of the parties. The Order terminates Defendant's Motion to Stay (Docket Item
18 44) as MOOT.

19 IT IS SO ORDERED

20 Dated: September 1, 2011



21 Edward J. Davila
22 United States District Judge